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Docket No. 46793

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Howard A. FINE and William Kaelin, Jr.
SERIAL NO.: Not Yet Assigned
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FILED: Herewith
FOR: METHOD OF TARGETING MALIGNANT CELLS USING AN E2F
RESPONSE PROMOTER

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

SIR:

PRELIMINARY AMENDMENT

Please cancel claims 1-14.

IN THE CLAIMS

~~Claims 15 and 16, line 1, delete "14", and insert --25--.~~

~~Claim 17, line 1, delete "11", and insert --16--.~~

~~Claim 20, line 2, after "gene", insert --, a dominant negative mutant--.~~

~~Claim 24, line 1, delete "cytotoxic" and insert "cytotoxin"~~

Please add the following new claims:

- Sub C1*
- 25. A method of selectively expressing a gene in a malignant cell comprising:
- determining whether a malignant cell expresses sufficient E2F to cause expression of a gene operably linked to an E2F responsive promoter;
 - adding an effective amount of a nucleic acid cassette to the malignant cell that you determined expresses sufficient E2F, wherein said nucleic acid cassette comprises